

MOONSHINING

Silas Butts is most notorious and best remembered for making and selling liquor. In fact, as one newspaper article suggests, "Orphanage Ran on Corn," Silas' liquor sales supported his "homemade" orphanage. Living in the mountains, but not too far from town to travel to and fro, Silas had many customers. They would travel to him and he would go to them, usually under the pretext of selling his farm produce. Stories remain, even fifty years later, of how he made and sold liquor, got caught doing it, and ended up in court.

First, and naturally, Silas' act of making moonshine and selling it is what people remember. Jake Gambrell, who was scared of Silas as a little boy, remembers:

Another time some doctor had prescribed some corn whiskey to somebody [who] was sick and need something to stimulate the heart. And Harold Richardson and his uncle didn't know of nobody that had any pure corn liquor but Silas Butts. Silas, up there in them mountains, to support these orphanage children, and he made liquor. He had about two or three stills scattered around over the mountains. So the revenue officers found one, they wanted to put him out of business. A lot of people would go to Silas to buy whiskey and the revenue officers sort of found out how they did it. So they'd dress up like a beggar and go up there and want to buy half a gallon or gallon of corn whiskey. Then when he'd come out with it, he'd show him his badge and carry him- make him pay a fine or put him in jail. So when Richardson and his uncle

got there, they was in a buggy, and they called him out and told him what they wanted. They wanted... I think it was a quart of corn whiskey. "Ahh fellows, just hitch your mule and sit here and take it easy and I'll see you again after a while." And he went around through the woods and he was going to watch them and see what they done. And he went over yonder and they saw him crawling on his all-fours through the woods, looking back toward the house. And he see'd they was just going to sit there in the buggy 'til he got back, and so he figured that wasn't nobody was going to turn him in. He got them whiskey and come back and let them have it.<sup>95</sup>

This mistrust and caution was a common characteristic amongst moonshiners. Historian Wilbur Miller lists several unique ways in which blockaders could and did reach their customers including hollow trees, ringing a bell and even freshly cut branches lying on the ground and pointed in the direction of the liquor. Miller comments that "such marketing of course depended on local people's trust of each other."<sup>96</sup> Silas is remembered as implementing several of these clever business maneuvers including leaving cash for liquor under the stop-sign post at the junction of Brasstown Road and Highway 76.<sup>97</sup> Ironically, Silas' school also sat

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<sup>95</sup> Jake and Cleo Gambrell, 13 June 2003.

<sup>96</sup> Wilbur Miller, 34.

<sup>97</sup> Jack Freeman, personal interview, 18 April 2002.

at this junction. Another option for Silas, though, was to use his kids. Johnny Ballenger recalls:

Ol' Ken Ables, he wanted to go up there one time. He wanted some Apple Brandy. He said if anybody's got it, Silas Butts will have some. I run around with Ken a good bit back then and me and him went up there. And he asked Silas, he said, "Silas, I want some Apple Brandy, you got any?" "Aw yeah." And he called one of them boys, "Go up on the side of that mountain, you know where that certain log is up there? Scratch them leaves back on the upper side and bring him a quart."<sup>98</sup>

Silas, along with many moonshiners, used their common sense and knowledge of their surroundings when using caution in order to not get caught and therefore stay in business.

For a while, Silas would also have had customers from the men at the Civilian Conservation Corps camp, which was nearby. The CCC built the road that passed immediately in front of Silas' house and down through the valley in 1935. Spec Jameson, working for the CCC, remembers sitting and drinking with Silas until nearly midnight at the lake behind the mill. Then he would either have to walk back or have a ride back to the camp.<sup>99</sup> Claude Buff, while surveying timber, stumbled

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<sup>98</sup> David Pitts and Johnny Ballenger, 13 June 2003.

<sup>99</sup> Spec Jameson, 12 June 2003.

across a hidden keg of whiskey. Later, he and another man stashed it in the rumble seat of a 1928 A Model to transport it to the CCC camp. Nearly sixty five years later, Mr. Buff remembers, "Mister, that was the best liquor I ever tasted in my life. It didn't last too long because we was freely giving drinks away."<sup>100</sup> Whether or not this whiskey was Silas', it does show that Silas had customers, and plenty of them.

The neighbor and friend to Silas, Clem Smith, remembered going to Silas' for liquor with his brother-in-law many times:

Silas would be in the bed, if he wanted it good, he'd reach over here and get a jug [to his right], if you wanted just regular liquor, it'd be over here [to his left]. And be able to make change, he'd reach over here- different sizes of money. Never get out of bed and do business like that. I seen it happen. Many times.<sup>101</sup>

This does not reflect the caution that Wilbur Miller notes was characteristic of moonshiners. Having different qualities within reach of the bed shows a calm and relaxing business of someone not worried about raids or getting caught. The time span between such occurrences could be the cause of this as to the fact that everyone

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<sup>100</sup> Claude Buff, personal interview, 7 March 2003.

<sup>101</sup> Clem Smith, 25 February 2003.

eventually knew that Silas made and sold liquor, so why bother? Validity of stories could also be cause of this difference. However, the fact remains that Silas made and sold liquor, and like other moonshiners, found unusual ways of selling it, ways which fuel stories of his character and behavior even until today.

Running one's own corn mill and owning several hundred acres of bottom land was sufficient to supply one with enough corn to make liquor. However, sugar was not so readily available, especially during World War II. During the war, one obituary recalls, Silas is remembered for his "generosity and patriotism" because "during a rally in Walhalla one night... He bought \$10,000 worth of war bonds."<sup>102</sup> Another article at his death remembered this same act with, "Silas is attested to by the fact that during World War II he purchased in a lump \$10,000 worth of war bonds." The article stated that Silas "pridefully pointed out 'I had boys a-fightin' all over the world.'"<sup>103</sup> His Probate Records allow for this to be true in that he still had \$5,000 in Government Bonds when

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<sup>102</sup> "Silas Butts, Kindly Mountaineer Dies of Heart Attack Sunday."

<sup>103</sup> "Silas Butts, Adopted Father of 50, Passes."

he died.<sup>104</sup> However, it may not have been complete "generosity and patriotism" that made Silas buy all these war bonds. Johnny Ballenger explains:

Back during the war, the Second World War, there wasn't no such thing as buying sugar. And they was wanting to sell war bonds to help the war along you know. So up there at Mack's Chevrolet in Westminster, someway or another, some of them got a hold of several hundred pounds of sugar. And they was going to have a sale... a war bond sale down there at the Chevrolet place and the one that bought the most bonds, got the sugar free. And Silas got it.<sup>105</sup>

Gladys Elliott, as a young girl living in town, recalled that they would allow an army jeep ride to those who bought these bonds in town. Silas, not caring to take the ride, would pass the opportunity on to one of the boys or girls present. Ruth Hardy was one who got to ride because of Silas' generosity and she always remembered that Silas had done that for her.<sup>106</sup> But Silas obviously had other things on his mind that day. The amount of money he spent leads to the understanding that he was not in it completely for the sugar. Would that amount of sugar bring him more than he paid for the bonds, even after

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<sup>104</sup> "Inventory and Appraisement of Personal Property of Silas Butts Deceased," 1956.

<sup>105</sup> David Pitts and Johnny Ballenger, 13 June 2003.

<sup>106</sup> Gladys Elliott, 17 June 2003.

their trade-in value? Or was he there to sincerely support the government- the same government that would try to stop him from "using" the sugar? Or was it a combination of both: giving the public the notion that he cared and fueling his future obituary as well as getting the sugar for his mash?

Perhaps the best known and often repeated story about Silas Butts is of how he sold his liquor in town. There are probably as many versions of this story as there are people who tell it. Basically, Silas would travel the streets in one of the towns in the county, often in a mill village, and holler in his keen, high pitched voice, "Corn, Cabbage, Beans... and Good Corn Liquor!"<sup>107</sup> Miller writes of this same sales pitch, "Other wildcatters marketed their product directly from their wagon, usually hiding the liquor under apples or other produce, to customers in valley towns or to drovers who passed by on the way to market."<sup>108</sup> Whether people believed him or not, whether they laughed at him or not, and whether he sold great amounts of his liquor this way

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<sup>107</sup> Jake and Cleo Gambrell, 13 June 2003.

<sup>108</sup> Miller, 35.

or not, this method of selling his liquor is, by far, the most remembered tale of Silas Butts and his moonshining.

Most stories of Silas and his moonshining activities are of him selling liquor, but one story surfaced about Silas buying liquor. Randolph Phillips, a great nephew to Silas, recalls a time when Silas bought a truckload of liquor from a man out of Tennessee. One can almost hear the high pitched voice of Silas bargaining over an entire truckload of liquor. The man from Tennessee opens the truck, and pulls out a jar to let Silas sample the whiskey from out of state. Silas, impressed, buys the entire truckload from the man, real cheap. A few days later, Silas goes to the liquor that he purchased only to discover that it is all water except for the little bit that he had sampled. "Ol' Silas was mad," Silas' nephew recalled. "Man, he was mad. He had done got ripped off."<sup>109</sup>

As luck would have it though, Silas himself got caught from time to time. James Nix, from down in Seneca, recalled another infamous story about Silas:

One time... Silas was downtown and at that time, Sam Hunnicutt was the sheriff, and I believe Seab Moss was his chief deputy. And they run into

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<sup>109</sup> Randolph Phillips, 12 June 2003.

Silas... [and] said, "Silas, we cut your still this morning." And he said, "Where at?" And he said, "At the end of your garden." He said, "Which end?" So they'll go back up there and they'd cut another one on the other end. So he had two stills working.<sup>110</sup>

Yet again, it is Silas' wit and humor that are remembered as well as his nonchalant attitude concerning his illegal stills.

It is important, though, to explore a little bit about the two law officers mentioned above. Sam N. Hunnicutt, affectionately known in the community as "Mr. Sam," and his chief deputy, Seaborn [Seab] Moss, are recalled as friendly and personable law officers not too unlike those portrayed by Andy Taylor and Barney Fife in *The Andy Griffith Show*. At the death of Mr. Sam, his obituary explained it as "one of the final vestiges of a era when Oconee politics were robust, colorful, and warmly personalized."<sup>111</sup>

Memories from older folks in Oconee County, and the imaginations of those younger, recreate the scenes on the streets of town. Thus, on the same streets on which an old mountaineer was selling corn and corn liquor, Mr. Sam

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<sup>110</sup> James Nix, 13 June 2003.

<sup>111</sup> "A Political Era Fades At Passing of Mr. Sam," *Keowee Courier*, 22 July 1959.

could be seen walking with his trademark "diamond stickpin and broad-brimmed western style hat." As he passed a lady walking down the sidewalk, he would "sweep off his big hat, bow his head perceptibly, and greet her as 'little lady'." As he continued down the street, he might stick his head in someone's door and ask, "'Has anybody seed Seab?'"<sup>112</sup> Mr. Sam, as well as Seab, obviously left an impression among the people of Oconee County.

On the twelfth of August, 1937, the *Keowee Courier* reported the following story:

Officers S. V. Rackley and L. P. Sanders cut down a forty gallon moonshine still in the Battle Creek section on Wednesday night. Arrested four; three men for having illegal liquor in possession and confiscated a pick-up truck-- this happened on Brasstown road. Arrested one drunk driver and six drunks; arrested three under warrants.<sup>113</sup>

The three arrested under warrants were Ed Swafford, John Derrick, and S. N. Butts.<sup>114</sup> It seems that Silas had been caught.

When this trial came around during General Sessions Court in November of that same year, a true bill was

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<sup>112</sup> Ibid.

<sup>113</sup> "Rural Police Raid Another Distillery," *Keowee Courier*, 12 August 1937.

<sup>114</sup> *The State vs. Silas Butts*, "Arrest Warrant and Affidavit," 1937.

given for Silas and John Derrick but not Ed Swafford. Witnesses sworn for the State were the two arresting officers and Seaborn Moss. Silas and John Derrick were not represented by counsel. The verdict was: "Both guilty of having in possession. Not guilty of transporting." And "the sentence of the court is that the Defendants, John Derrick and SN Butts, each be confined upon the Public Works of Oconee County, or in the State Penitentiary, at hard labor for a term of 30 days, or pay a fine of \$200."<sup>115</sup> But, Silas, who never separated his personal life from his "business," was not through yet.

In March of 1938, a letter was sent to "His Excellency Governor Olin D. Johnston" petitioning in favor of Silas Butts. It read:

...the undersigned citizens of Oconee County are well acquainted with the defendant, Silas Butts, and believe that on account of his advanced age and the feeble condition of his health, and knowing that his supervision is badly needed at this time on his farm, and over the fifteen orphan children he has been caring for, and who reside at his home, we respectfully petition Your Excellency to grant to the said Silas N. Butts clemency to the extent of releasing him from the sentence imposed and the subsequent bond.

The letter was signed by eleven men, including the Superintendent of Education, the County Supervisor, the

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<sup>115</sup> *The State vs. John Derrick & SN Butts, 1937.*

Magistrate, the Judge of Probate, Sam Hunnicutt, and Seab Moss.<sup>116</sup> Along with this letter, two notes, one from Wm. A. Strickland, M.D. and the other from Dr. F. T. Simpson, were sent to the Governor stating that Silas was ruptured on his left side and had several ribs broken which would hinder him from doing hard labor.<sup>117</sup> Another letter was also sent to the Governor of South Carolina from Rufus Fant, Solicitor of the Tenth Circuit, in which he stated:

I understand these parties are petitioning for clemency and that a number of prominent citizens of Oconee County have recommended clemency. It will be satisfactory with me for you to suspend their sentences upon payment of \$25.00, - that is, payment of \$25.00 by each defendant.<sup>118</sup>

As a result, Governor Johnston released the two men for a fine of \$25.00 each.<sup>119</sup>

So why the change of heart? Seab Moss had been a sworn witness against Silas and yet he signed the petition to release Silas. The answer may be found in yet another tale that is often repeated, with many versions. Spec Jameson told it as follows:

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<sup>116</sup> W.C. Hutchinson, et al., letter to Governor Olin D. Johnston, 15 March 1938.

<sup>117</sup> Wm. A. Strickland, letter to Whom It May Concern, 9 March 1938; F. T. Simpson, letter to Whom It May Concern, 13 March 1938.

<sup>118</sup> Rufus Fant, letter to the Governor Olin D. Johnston, 17 March 1938.

<sup>119</sup> Olin D. Johnston, letter to G. W. Shirley, 19 March 1938.

They had him [Silas] up for selling whiskey. And he come to the courthouse in Walhalla. So, the old judge told him, he said, "Silas, you've been down here so many times, I'm going to have to give you a little time this time." He said, "OK judge," he said, "I'll have to go home and get my kids straightened out." He said, "Well you go home and do that." And when he come back he had all his kids and set them right on the front seat and he said, "Now, kids" he said, "this judge is going to send me away awhile but he's going to take care of you so you be good." He said, "Silas, you take them kids and go back home."<sup>120</sup>

Silas' humor and keen wit shines front and foremost yet again. Seeing as how the petition to the Governor mentions an exact number of children living with Silas, it is very possible that this tale corresponds with this court case. The petition does clearly illustrate a network that Silas created. This provides yet another variable to the question: Why did Silas take in all of these children? All aspects of his life intertwined together and created who he was. In essence, the Superintendent of *Education* signed a petition for Silas to be forgiven for *moonshining* because of his unofficial *orphanage* and *humor* in court. Silas knew this and he used it to his advantage. He was, in short, "no man's fool."<sup>121</sup>

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<sup>120</sup> Spec Jameson, 12 June 2003.

<sup>121</sup> There are many references to Silas appearing in court for moonshining other than this case in 1937. The Walhalla court records only provide this criminal court case and his Assault and Battery case in the late 1940s. Ray Gambrell remembers

As Wilbur Miller points out in his study of moonshiners, letting Silas slide for running the orphanage would not have been too uncommon, especially in a small tight-knit community where everyone knew everything about everybody's affairs. He notes the case of a woman who "confessed that she had been moonshining for several years, but the revenuers let her go because she had a small baby with her."<sup>122</sup> In the courtroom scenario, Miller also points out other obstacles to convicting moonshiners since "When moonshiners were arrested, sympathy continued to provide allies. It was very difficult to find men to serve on federal juries who were willing to indict or convict blockaders."<sup>123</sup> Another story that arose about Silas' court appearances for Violation of the Liquor Law was told by Clem Smith. According to Clem Smith:

They caught him at his liquor still one time, and carried him to Walhalla and trying him in court. Old judge says, "Mr. Butts, I'm gonna fine you five hundred dollars." He had a bunch of them kids with him. And he hit the floor and just moaning and roaring. And the judge told him, says, "Mr. Butts,

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seeing Silas Butts on the Chain Gang building roads in the 1920s. Other interviews mention that Silas may have been tried in other courts besides Walhalla but this remains uncertain.

<sup>122</sup> Miller, 36.

<sup>123</sup> Ibid., 51.

get up." Says, "I'm gonna fine you three hundred dollars." And back to the floor he went. Next time he come to the stand, judge said, "How much can you pay?" He said, "Sha' I can pay two hundred dollars." He reached down in his overall's pocket and come out with a roll of hundred dollar bills. Judge says, "I thought you couldn't pay?" "Sha'!" and then [he] got out with two hundred dollars.<sup>124</sup>

Miller also notes the humor of many moonshiners in their court appearances. One moonshiner, he observes, "appeared in federal court many times between the 1870s and 1890; at first he was acquitted because his wit and repartee won over both judge and jury. Once Judge Dick told Owens that he had given the court "lots of trouble," to which the sprightly Irishman replied, "This hyar court's give me lots of trouble too."<sup>125</sup> Assuming that these stories and the stories about Silas are true, Silas played on the same sentiments and made the same pleas that Miller mentions in order to reduce his sentence.

Silas Butts made and sold liquor. He also got caught for making liquor. But he somehow managed to get his punishment reduced, proving thereby his sharp mind and his social abilities. He made use of time, setting,

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<sup>124</sup> Clem Smith, 25 February 2003.

<sup>125</sup> Miller, 50.

people, and humor to win the community over. All of this came from a mountain man with no formal education.